





HB542 Regulatory Advisory Panel (RAP)

Meeting 1 – September 30, 2021

Virginia Department of Environmental Quality
September 30, 2021

Logistics

- Thanks for making the time to attend. RAP meetings are required to be in person.
- Wearing a mask is expected during the meeting and recommended throughout the Bank of America building. If you do not have a mask a disposable mask will be provided.
- WIFI Network: 3rd Floor Conference Room
Password: 1111EMain

Agenda

1. Welcome, Introductions, and Goals for Today
2. RAP Process & Ground Rules
3. Charge of the HB542 RAP
4. Water Supply Planning Program Overview
5. Lunch Break (12-12:45)
6. Facilitated Discussion and Information Gathering Exercise
7. Public Comment
8. Next Steps (plan upcoming meetings)

Goals for Today

1. Get to know who's in the room
2. Understand the purpose of a RAP and ground rules
3. Understand the central issues for this RAP to provide input based on the statutory changes
4. Get a refresher on the Water Supply Planning program.
5. Begin the discussion of addressing the changes to the statute
6. Begin planning for upcoming meetings

Welcome and Introductions (20 minutes)

- Who are you?
- What part of Virginia are you traveling from?
- What organization or interests are you representing today?
- What is the interest of your organization in water supply planning?

RAP Purpose

- Purpose – To assist in the development of a proposed regulation and balance the concerns of all those interests in the regulation.
- Goal – To reach consensus and provide a recommendation to the Department.
- What is consensus?
 - “A willingness of each member of the group to be able to say that they can live with the decisions reached and will not actively work against them outside of the process.”
- DEQ may go forward without a consensus recommendation

How does the RAP fit into the APA regulatory process?

1. RAP meets (number of meetings varies)
2. RAP makes recommendations
3. DEQ drafts proposed regulation and presents to State Water Control Board (Board)
4. If approved -> executive review
5. If approved -> proposed regulation published in Virginia Register for Public Comment
6. Based on comments, DEQ finalizes regulation & presents to SWCB
7. If approved -> executive review
8. If approved -> final regulation published in Virginia Register and final public comment before regulation becomes effective (barring objections or suspensions).

RAP Ground Rules

- Silence cell phones; take or make all calls outside the room.
- Listen actively and respectfully, without interrupting. Try to understand the viewpoint of others. Do not just think about what you are going to say while someone else is talking.
- Commit to learning, not debating.
- Comment in order to share information, not to persuade.
- “Caucus” or private conversation between members of the audience and people at the table may take place during breaks or at lunch, not during the work of the group.
- Criticize ideas, not individuals.
- Allow everyone the chance to speak. Be conscientious of your “air time.”
- Present options for solutions at the same time you present the problems you see.

Charge of the HB542 RAP

- House Bill 542 (2020) - Amended §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1
- Focus of the RAP will primarily be changes to 62.1-44.38:1
 - Designating Regional Planning Areas
 - Participation in Regional Planning
 - Identification of Region's Water Supply Risks/Strategies
 - Defining Cross-jurisdictional Planning and Accommodations for Existing Regional Groups
- Other changes relate primarily to Board review criteria and developing State Plans and Programs

Issue 1: Designating Regional Planning Areas

§ 62.1-44.38:1.B *“The Board shall adopt regulations designating regional planning areas based primarily on river basins. The Board may, as appropriate, designate multiple regional planning areas within a single river basin in order to enhance the manageability of planning within such basin.”*

Issue 2: Participation in Regional Planning

§ 62.1-44.38:1.B *“The regulations shall identify the particular regional planning area in which each locality shall participate and shall state which local stakeholder groups, including local governments, industrial and agricultural water users, public water suppliers, developers and economic development organizations, and conservation and environmental organizations, shall or may participate in coordinated water resource planning.”*

Issue 3: Identification of Region's Water Supply Risks/Strategies

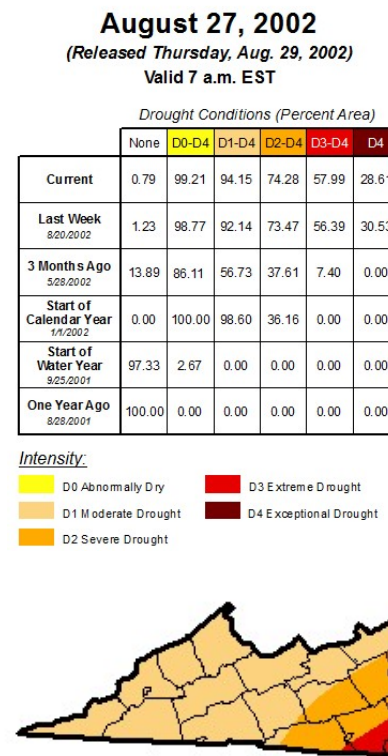
§ 62.1-44.38:1.C.2 *“Each locality in a regional planning area shall develop and submit, with the other localities in that planning area, a single jointly produced regional water supply plan to the Department of Environmental Quality (the Department). Such regional water supply plan shall (i) clearly identify the region's water supply risks and (ii) propose regional strategies to address those water supply risks.”*

Issue 4: Defining Cross-jurisdictional Planning and Accommodations for Existing Regional Groups

- § 62.1-44.38:1.C. 1. *“Each locality in a regional planning area shall participate in cross-jurisdictional, coordinated water resource planning. Such local coordination shall accommodate existing regional groups that have already developed water supply plans, including planning district commissions, and other regional planning entities as appropriate.”*

Water Supply Planning Program Background

- Multiyear drought (1999-2002)
 - Impacted water supply across Virginia.
 - Established new Drought of Record for much of the state
- “Focusing Event” – for creation of new law and regulation:
 - Legislation passed by General Assembly
 - Executive Order creating the Virginia Drought Assessment and Response Plan
 - Local and Regional Water Supply Planning Regulation
 - Program based around local responsibilities with state evaluation and oversight.



Water Supply Planning Program Background

- 9VAC25-780 – effective November 2005
 - local govts must submit local water supply plan OR participate in regional
 - Demand reviewed/revised no later than five years; Plans after compliance determination.
 - Plans must be resubmitted every 10 years.
- What's in a Plan?
 - Description of existing sources, water use, and resource conditions
 - Assessment of projected demand
 - Description of water management actions
 - Drought response and contingency plans
 - Statement of need (adequacy of existing sources to meet demand)
 - Alternatives Analysis (how to address deficits)
 - Must be adopted by local government

Water Supply Planning Program Background

- State Role: facilitation/technical assistance, oversight, and evaluation of impacts
- Program Timeline:
 - 2013 - DEQ final compliance determinations. Identified list of compliance items to address in five year review.
 - 2015 – First State Water Resources Plan (SWRP) issued using this data
 - 2016 – JLARC Report issued regarding DEQ Water Resources Planning and Management
 - 2018 – Five year review. Local govts addressed compliance items.
 - 2020 – 2021 – DEQ updates SWRP/Statutory amendments (HB542)
 - 2023 – 10 year resubmittal based on 2013 compliance determination

Group Questions?

Lunch Break

Activity - Facilitated Discussion and Information Gathering for Issue 1: Designating Regional Planning Areas

- Goal of this initial exercise is to get some ideas and thoughts on the table.
- Break into groups to generate ideas.
- Report back to the group.

Issue 1: Designating Regional Planning Areas

- 1. Are there existing boundaries that should be considered to designate regional planning areas? What are they? What are the pros and cons of using them?*
- 2. What factors should be considered as a reason to deviate from river basin boundaries?*
- 3. What factors make the regional planning area more manageable?*
- 4. Are there successful examples of approaches that address these factors in Virginia or elsewhere that should be looked at as a model?*

Group Reports on Issue 1

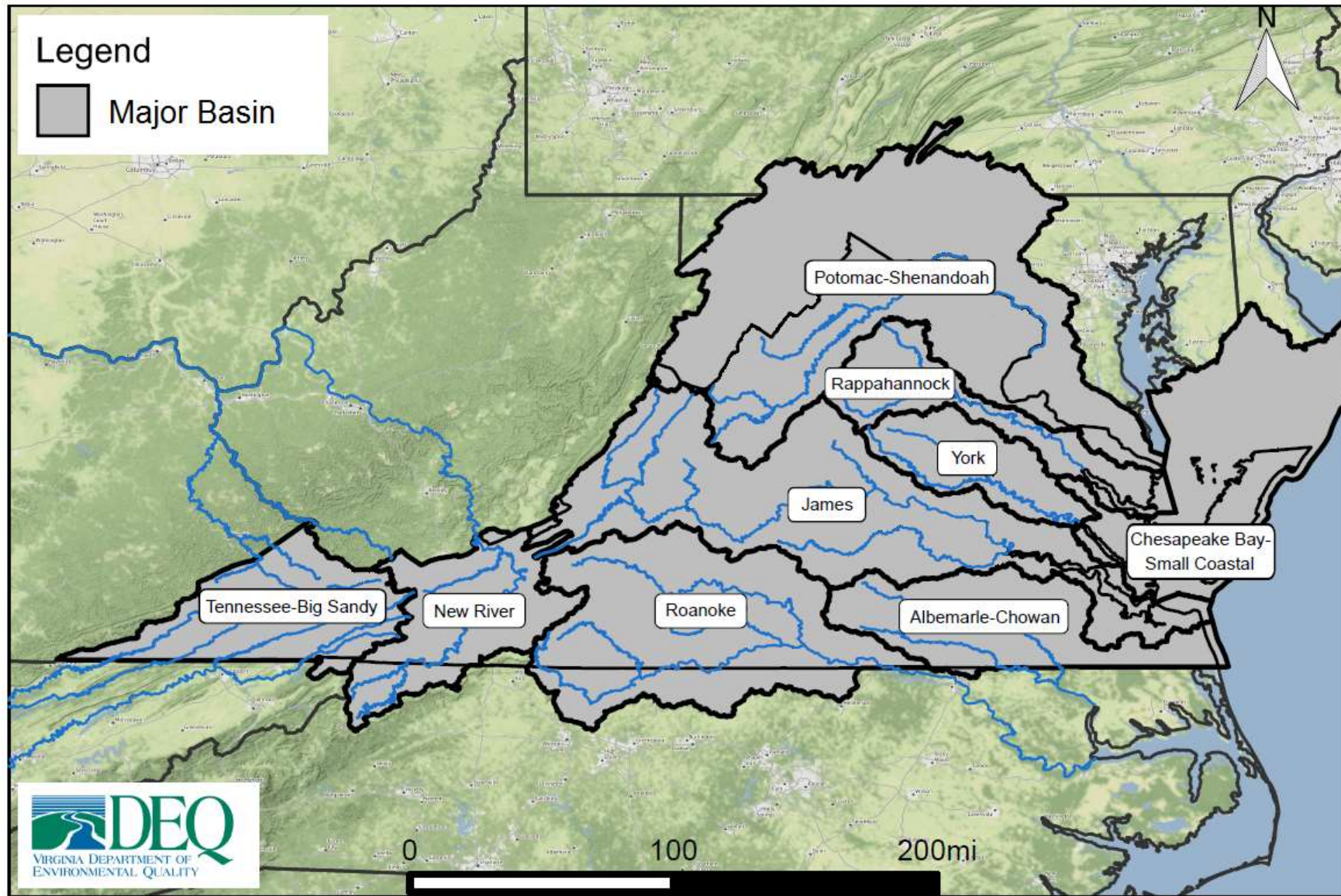
Notes from Issue 1 Discussion

- General Comment from DEQ
 - Hb542 not interpreted as maintaining status quo
 - Must consider water supply and other beneficial uses
- Common Group Discussion Themes
 - Maximize existing processes and relationships (PDC's, etc) (visual overlay of PDC's with major basins would be helpful)
 - Suggested approach - Use overall basin as major structure and subdivide/deviate using PDC's existing relationships as support
 - Building on what's working but need to acknowledge and identify ways to extend effective planning into areas of Virginia with water supply needs and interests that are specific to their rural and/or more isolated locale.
 - Struggle between statutory mandate (affected at state/larger scale) and local implementation (smaller scale). How can we get these two needs to "talk".
 - We need to address groundwater (same large/local need struggle)
 - How do we engage/consult with a greater variety of entities than commonly represented in RAP/Planning discussions.
 - Look at localities that have sources in basins other than those where the locality is majority located.

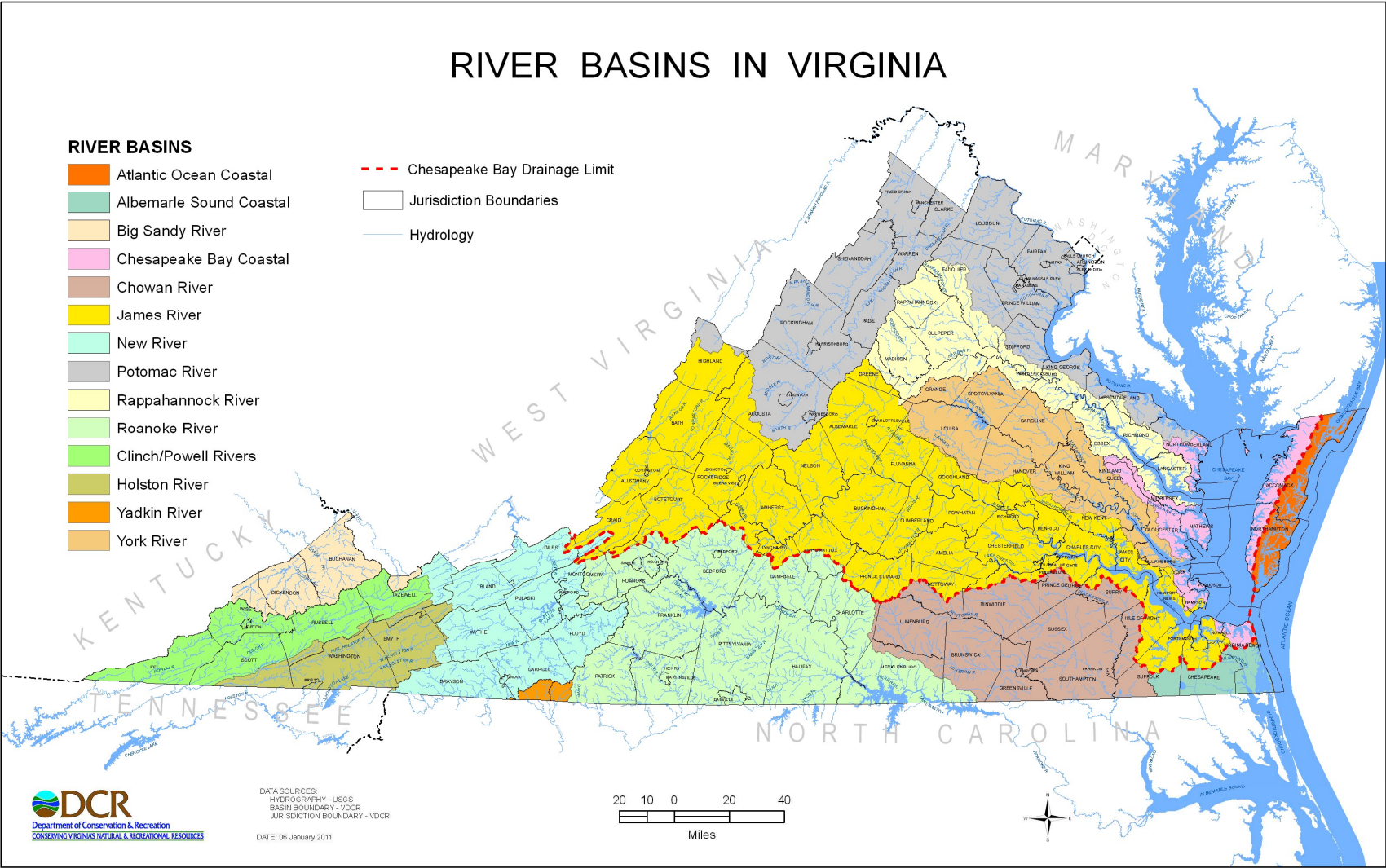
Notes from Issue 1 Discussion – page 2

- Common Group Discussion Themes
 - Core function is to get water to the faucet when its needed. Plans could have expected use by source linked to HUC that DEQ could use to evaluate other beneficial uses – but planning regions shouldnt be driven by them.

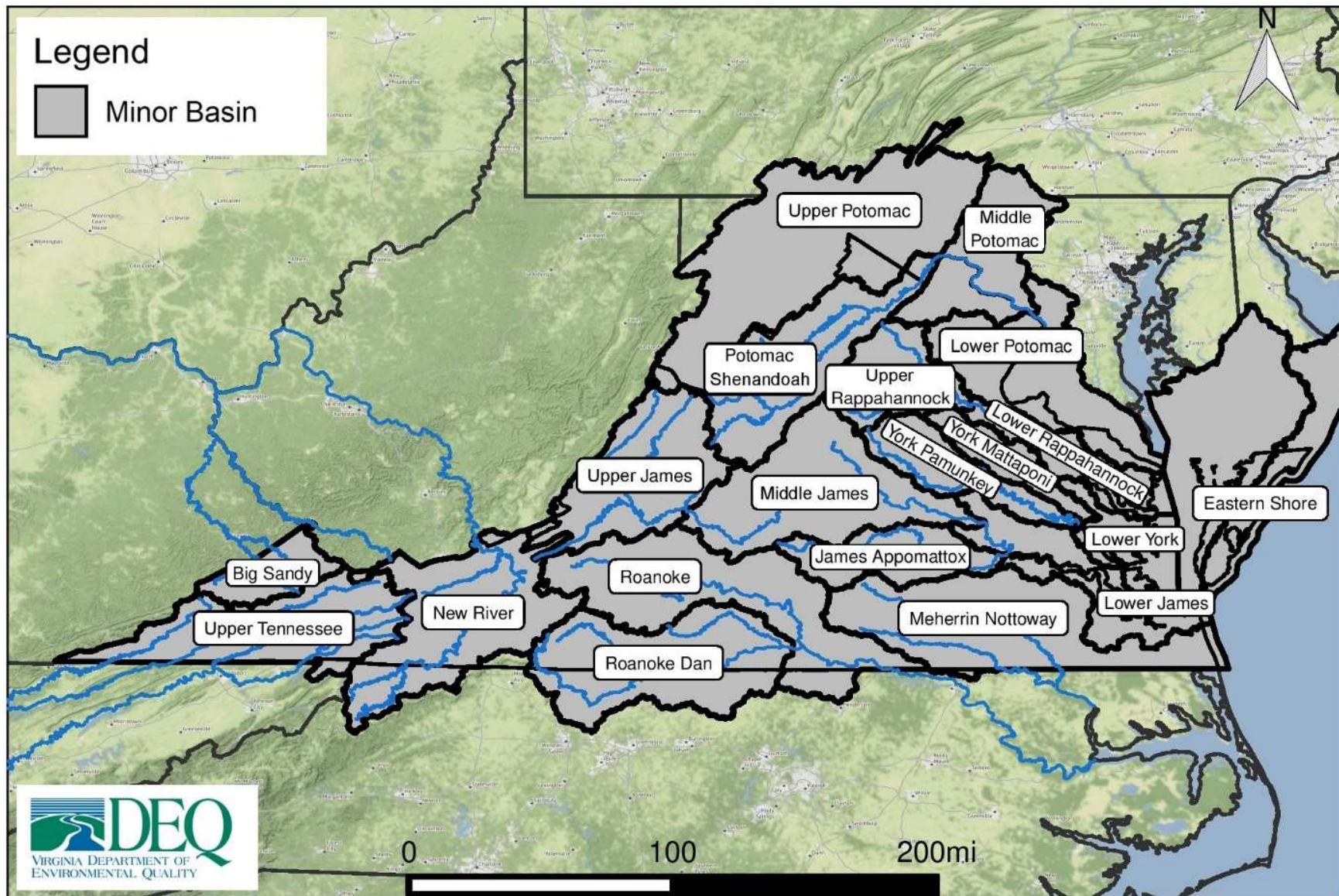
Major River Basins



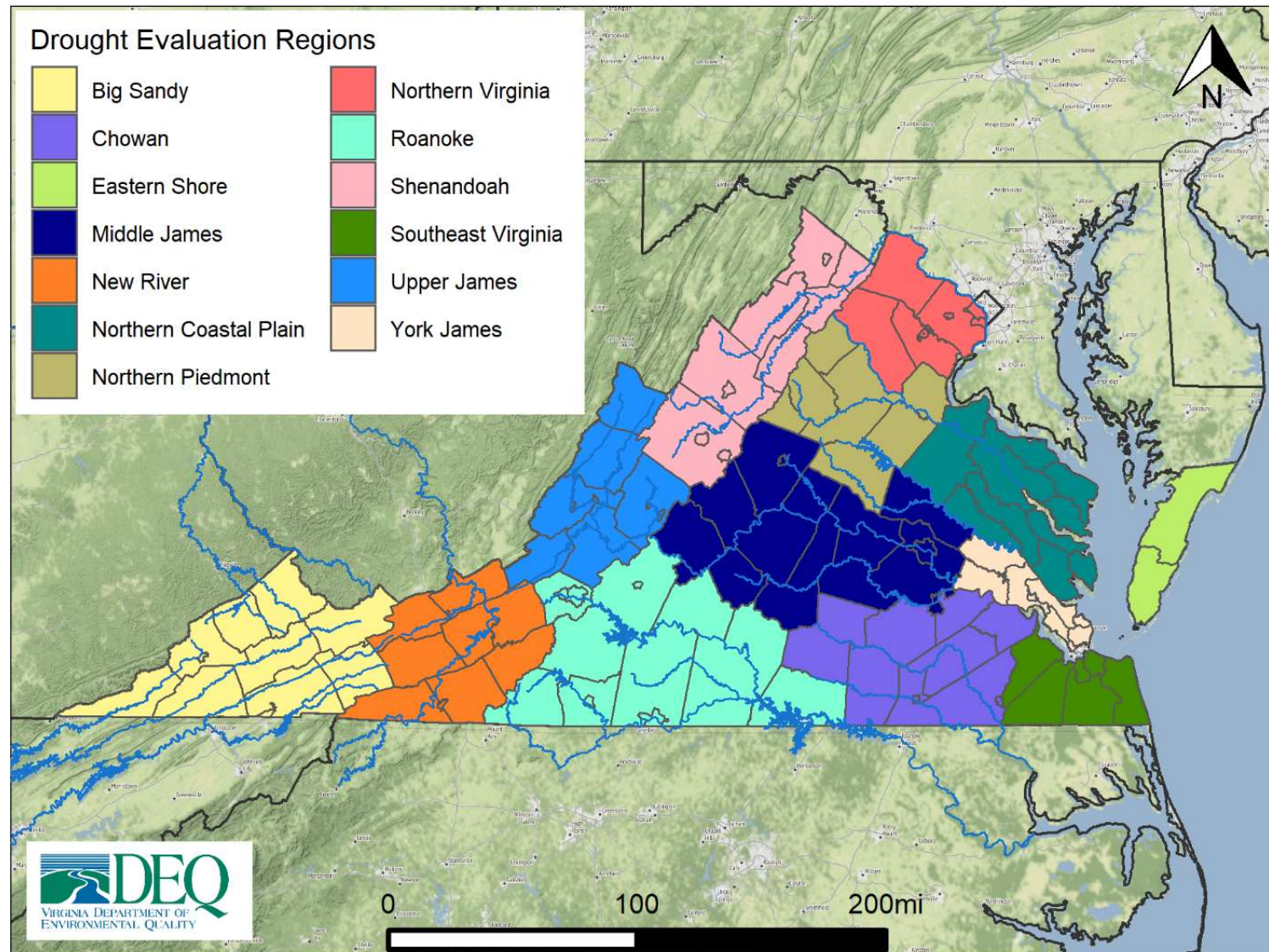
Major River Basins



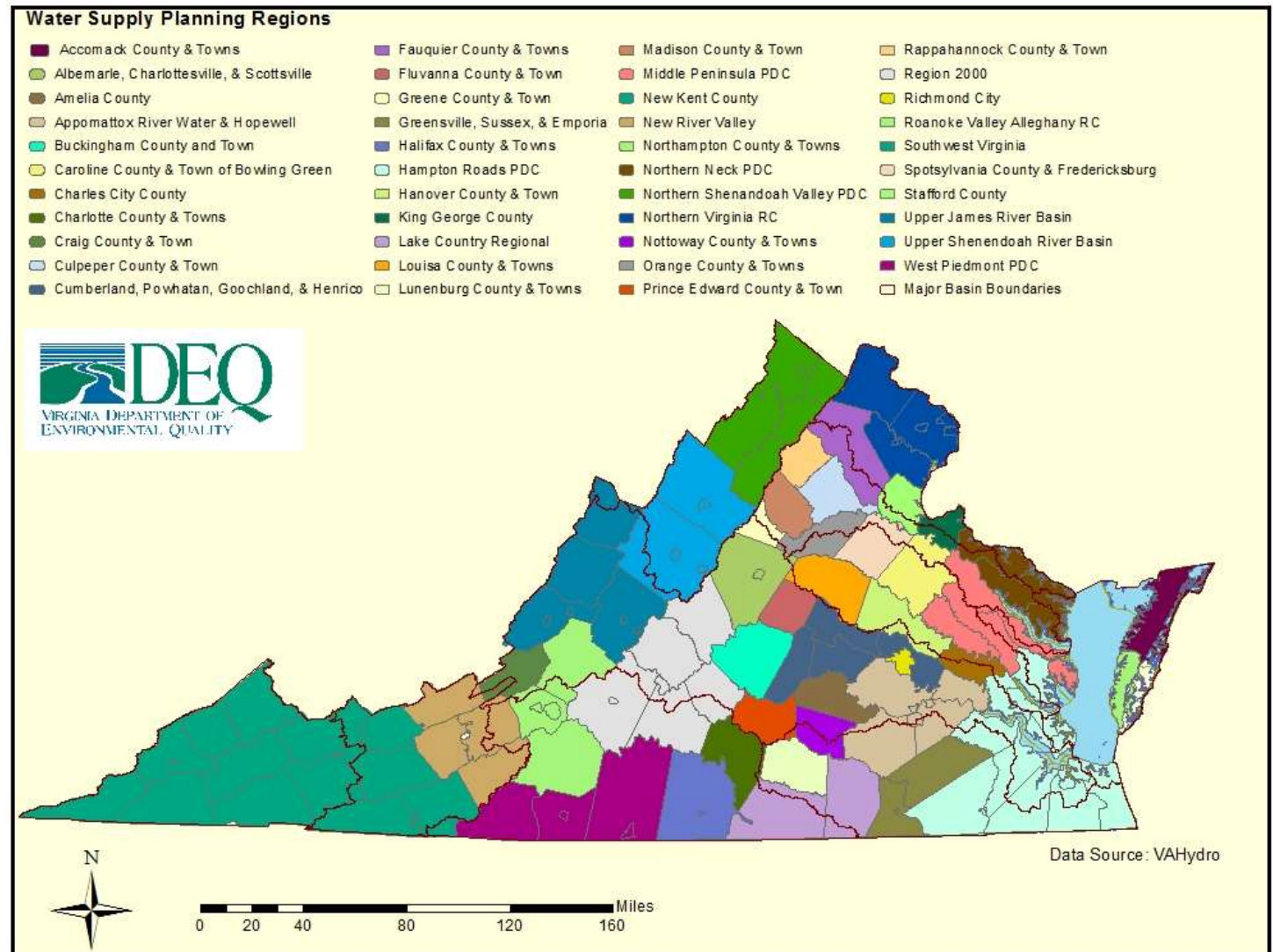
Minor River Basins



Drought Evaluation Regions



Current Planning Programs



Scheduling Next Meeting

- Doodle Poll to grab your blackout dates and we will fit in with room availability.
- Requests for next meeting –
 - Any info/citation on desal unit costs
 - Send JLARC Report
 - Map with withdrawal permits (and water withdrawals generally)
 - Overlay maps of PDCs, existing plans, major basin, (can we provide shapefiles) and be able to show layers in GIS during next meeting. Add public water supplies.